

Salvaging American Prisons

By AARON HARDY ULM

"THE prevailing method of dealing with crime and criminals is all wrong, fundamentally wrong. To seek improvement by merely tinkering with the system is almost useless. The system must be completely changed. I am devoting my life to fighting crime, the crimes against so-called criminals as well as the kind they commit. Criminality now costs the country not less than five billion dollars a year, which is more than we spend on popular education. The prisons are festering sores on the body politic, the breeding places of an insurgency that in a time of stress might threaten the life of society itself. They have long been training grounds for the I. W. W. and other violently radical organizations, several of which have a systematic method of recruiting from the jails and penitentiaries. This must be stopped by treating crime and criminals in a common sense way."

The speaker was Edward H. Morrell, himself an ex-convict with a record of sixteen years in prison, five of which he spent in solitary confinement in a dungeon.

Since his release in 1908 from San Quentin prison in California, Mr. Morrell has devoted his time to fighting for prison reform—though he denies that he is a "reformer" in the usual sense and has rarely worked with those who so style themselves. The average "prison reformer," he says, is satisfied with efforts to improve the present, and age-old, system of dealing with crime and criminals, accepting its fundamentals as sound and its principles as workable in the matter of stopping crime and correcting criminals.

Sentiment Not Considered

"WHEN one pronounces our method of dealing with crime and criminals as wrong, one is naturally open to the charge of wanting to coddle criminals and excuse crime," he said. "Why not think of those who suffer from the acts of criminals? is a very natural and pertinent question to ask of those who urge a change. Well, it is from that basis that I advance my creed. Under our present system, the innocent victims of criminals are veritably ignored. What state now makes provision for indemnifying, say, the widow of a man who has been ruthlessly murdered? It will spend thousands of dollars on the murderer. Often a small fortune is spent out of the taxpayers' money on long drawn out court proceedings that largely are legal mummery and nothing else, when a board of trained specialists could determine guilt or innocence in an hour's time and virtually without expense. Other thousands will be spent on detaining the criminal, if convicted, while he serves his sentence; and he is turned loose, at the end, not less dangerous, but much more dangerous than ever to the public peace. Meantime, the innocent victims of the criminals' wrongs are forgotten, scorned. They may be a woman and a group of small children deprived of a husband and father; and because of the deprivation those children may become criminals themselves."

"Now the innocent sufferers from criminal acts have just and meritorious claims against society, claims that society should meet. It should meet them by compelling the criminal to make up as far as possible for his wrongdoing. That is to say, if one man murders another, we should see that the wrongdoer takes care of the dead man's family. If a thief steals from you, see that he returns dollar for dollar that which he takes."

"At the same time make the law-breaker self-supporting, and by making him self-supporting prepare him to return to freedom equipped for maintaining himself honorably."

"This is not a question of what many are fond of terming 'maudlin sentimentality.' Sentiment has little if anything to do with it. It is a question of social economy and justice. Our present system makes for waste, terrific, inexcusable waste—and rank injustice. The injustice isn't so much to the person convicted of and punished for crime as to the victims of his crime. And the sufferers from crime are not confined to the direct victims of criminal acts, they include all who in the end must meet the outrageous direct and the almost unlimited indirect cost of crime."

Once in San Quentin's Dungeon

WHILE Morrell's views are in some respects "extreme," he is not of the extremist type. He speaks an everyday language. His personality is of the red-blooded kind, so much so, in fact, that his friend, Jack London, put him into a book, "The Star Rover." As a youth, Morrell was a member of a gang of California outlaws and with them took part in many spectacular feats of banditry. He was caught, when in his teens, and was sentenced to life imprisonment. He at first resented the confinement and was finally classed as an incorrigible and was made a "solitary" dungeon prisoner at San Quentin. There a humane warden found him and discovered that the severe punishment he had undergone was due to a false accusation, gave him sympathy and encouragement and ultimately made him a "trustee." He rose to be "chief trustee," and thus became interested in helping other prisoners. In 1908 he was pardoned.

He immediately took up the work of fighting for improvement in our prison systems. He induced the California legislature to enact a workable parole law, and became the father of the famous honor system among prisoners. He is given the credit for causing the honor system to be adopted by Arizona and Oregon.

His long study of the subject has convinced Morrell, however, that lasting results can be obtained only by changing our entire policy in dealing with them. He organized the Twentieth Century Prison League to promote his program. The league has been taken over by

the Bureau of Commercial Economics, the altruistic motion picture organization that operates on an international scale from Washington. It is now the bureau's department of prisons, with Morrell as director. It is proposed to advance his ideas largely by means of pictures to be distributed freely all over the country. Morrell is now preparing for a motion picture exhibition and lecturing tour that will take him across the continent. He will make the trip in one of the bureau's traveling trucks, which will enable him to exhibit pictures and lecture anywhere en route.

"Does not what you advocate call for drastic changes in our criminal laws?" I asked him.

"Certainly, changes of the most fundamental character," he replied. "The first, I should say, would be an amendment to the Federal Constitution, putting the handling of crime and criminals exclusively in the hands of the national government. This, because the handling of crime is not a local problem, but one of national importance. We know the argument put forward in behalf of prohibition, the impossibility of a 'dry' state keeping out the inflow from 'wet' states. How much more difficult it is to keep crime from sweeping from one community or one state to another! A crusade against law-breakers in New York serves largely only to shift so-called 'crime waves' to other cities. Even now, it often happens that courts let law-breakers off without punishment on condition that they leave the community to pursue their operations elsewhere."

"We must have one uniform method or system of dealing with crime everywhere; one code of practice for courts and prisons, so to speak. The only practicable way to get that is by giving the Federal Government control of the entire procedure, at least from the courts to the prisons, and remove it entirely from politics."

"When we get that amendment, the nation must summon the world's best experts and get them to draw up codes aimed sincerely and scientifically at reducing crime and eliminating criminals from the body politic. Reduce crime by making it unprofitable and eliminate criminals by salvaging them to society."

"Psychology, medicine and other sciences have thrown on crime many lights of which the science of law, predicated on the medieval theory of total depravity, takes no cognizance. The criminal law, as we now have it, is based on the false assumption that artificial punishment is a deterrent—that the way to cure the criminal is to make him suffer, not from the natural effects of his crime, but from the effects of laws applied with more or less cold rigidity to all alike. Treatment is fixed by the character of the crime; not as it should be by the character of the criminal."

No "Criminal Class," He Says

"THE 'criminal class' theory is a fallacy. True, some people are born with tendencies that you might rate as criminal. But those very tendencies may function through a dozen other ways of vicious or inefficient conduct that are not defined by the law as crimes. Many acquire such tendencies through ill-health, malnutrition and lack of care in their early years; some even by accident. I know of two boys, the sons of the same parents, born to the same environment and reared with the same care. One was studious, orderly, obedient; the other, careless, indifferent, even vicious. When the latter was subjected to a thorough physical examination, a tooth, infected at the root, and which had never given him pain, was discovered. It was removed, his system was cleared of the poisons the infection had spread through his body and temporarily changed his nature, and he became as exemplary as his brother. Now if the child had gone on with that infected tooth, he probably would have landed in a reformatory, or, later on, in a penitentiary and have been turned out from either place a worse instead of a better person."

"Only seven to eight per cent of crime is committed by what you would call 'professional criminals,' that is, by persons who have made criminality a trade and consider it an art and take pride in it. If that type of criminal were let go entirely, the total of crime committed would be insignificant. The great bulk of crime is what for a better term you may call accidental. It is due more to inefficiency than to criminal instinct."

"Seventy to eighty per cent of all law-breakers are nothing but misfits. Studies show that 56 per cent of the children in the average common school are misfits, that is, not fully equipped for the struggle for existence. All these misfits are potential law-breakers, though only a small proportion actually become such. We must find how best to deal with those whose deficiencies function criminally."

"Under our present court procedure, many guilty go free and some who are innocent are convicted. We should leave the determination of guilt to boards of magistrates trained in weighing evidence, and free them of those technical restrictions once necessary to prevent oppression, but which are now used mostly for the manipulation of the law by skillful lawyers to make out their particular cases."

"When guilt is established, the offender should be turned over to another board, made up of scientific experts, who will grade and classify him with reference to what may be done for him and for what he may do by way of repairing the wrong he has done others."

"In the pitiful case of a moron with congenital vicious tendencies, he should be locked up for life and required at least to earn his own support. They should be permanently restrained, not primarily because they commit a crime, but because they cannot take care of themselves with safety to society."

"But suppose they refuse to earn their keep?" the writer inquired.

"Well, let the law of nature take its course; if



EDWARD H. MORRELL,

One-time bandit and for sixteen years a "lifer" in the prisons of California, who says the prevailing system of dealing with criminals is all wrong, and is beginning a national campaign for fundamental changes in our penal policies.

they insist on starving let them starve," was Mr. Morrell's prompt response.

"A very large proportion of persons sent to our prisons need medical treatment more than they do punishment. Instead of impairing them further, as our system does, we should repair them and fit them for honorable combat with life."

"Thus the scientific board to which I would have every convicted criminal submitted for diagnosis and sentence would prescribe for the criminal as a doctor would for a patient. If the mind is in need of repairs that can be made, send him to a psychopathic infirmary; if the body is the point of weakness, to the operating table or to a rehabilitation hospital. Turn out none until they are well and trained in a trade that will enable them to earn honest livings."

"Get rid of the stench holes we call jails. With all the faults of our penitentiaries our county jails are ten-fold worse. Not only do guilty persons go to them, but many innocent persons are also held in them pending trial. They are festering sores of disease, physical and mental. You can get rid of them by shortening the period between the arrest and the trial of offenders."

"Take your armed guards and your iron gratings from your penitentiaries. It has been done in Oregon and works successfully. It is done at Occoquan, the District of Columbia prison. Develop in every prison a healthy public sentiment among prisoners, who, if you permit them, will see to it that honor regulations are not broken to any great extent, even by the 'incorrigibles.'"

Prison Population on Increase

"FORGET about the 'criminal class.' As I have said, there is no such thing. The people in our prisons are in great degree just like the people we meet on the street, a little less intelligent perhaps, not so healthy maybe, but discouraged and often envenomed. When the Allies were pressed to the wall they didn't hesitate to draw on the prisons, for soldiers and ex-convicts made splendid fighters. Many received the very highest honors for notable conduct. We did the same during the Civil War; and in the recent war I offered to recruit an army of 50,000 from our prisons, and it would have been as good an army as was in the field."

"But the salvage from our prisons is by no means what it should be. In 1910 I found that we had a steady prison population of approximately 500,000. It is now, I believe, around 700,000. It is almost a total dead-weight charge on society. Only seven or eight per cent of persons in prisons are permitted to do constructive work. I say 'permitted' for the reason that the resource of work is so desired by the average prisoner that many wardens know that the withdrawal of a work privilege is the worst punishment they can inflict on recalcitrant charges."

"So far as the harsh system of dealing with criminals being a deterrent, the entire history of criminology shows it to be the contrary. Every jurist knows that as the legal penalties for crime have been lowered, crime has decreased. The introduction of more humane methods in our penitentiaries has invariably been followed by less recidivism. In the old day, in some places 40 to 50 per cent of the prisoners released from penitentiaries came back. The returns now are very small for the country as a whole."

"Let the man who would commit a crime know that, as far as possible, he will be required to repair his wrong; not by way of receiving punishment, but by being forced to pay dollar for dollar to his victims."

"Beyond that see that he is treated humanely and constructively, that he need not have occasion to violate the law to live when he gets out."

"It all calls for a complete change in our system of dealing with crime and criminals and that change can be well made only by reducing the system to national uniformity and control."